

REMARKS

**Status of Claims:**

Claims 1-9 are present for examination.

**Prior Art Rejection:**

Claims 1-4 and 9 stand rejected under 35 U.S.C. 102 as anticipated by Pasternak. Further, claims 5-8 stand rejected under 35 U.S.C. 103 as obvious over Pasternak in view of Evans.

The examiner's rejection is respectfully traversed.

Applicant has amended the sole independent claim 1 to more specifically recite the ranges of the first and second wireless bands. These ranges include the various even more specific ranges set forth in the dependent claims.

The examiner already appreciates that Pasternak fails to disclose the specific frequency ranges recited and that indeed, the 7 MHz second wireless band taught in Pasternak is a low frequency band suitable for low data rate transmissions. In contrast, applicant's second or uplink wireless band is of a much higher frequency suitable for large data rate transmissions and is recited to be one of 2.4 GHz, 5 GHz or in the optical band.

The deficiencies of Pasternak are not taught in the secondary reference of Evans. Evans is concerned with a system of reducing frequency uncertainty, drift or error in the RF transmissions from each of the subscriber stations, and Evans only generally mentions that the frequency used in the system is in the 0.3-300 GHz range. This teaching assumes that the transmitter and receiver are using the same frequency band. Indeed, Evans does not even hint that two separate bands are to be used, one for the uplink and another distinct band for the downlink. The general statement, without more, that a wide range of frequency bands may be used in the system does not teach applicant's two separate frequency bands for the uplink and downlink and does not teach applicant's specifically recited high frequency ranges in the uplink combined with the specifically recited frequency ranges used in applicant's downlink.

There is nothing in Evans to indicate any motivation to combine the teaching therein with the teachings of Pasternak. Moreover, there is nothing in Pasternak to indicate any motivation to use a higher frequency band in the uplink channel even given the broad frequency statement set forth in Evans. Indeed, Pasternak teaches that one should use the low cost subscriber terminals that will NOT have to transmit and receive at high speeds. ( See column 5, lines 64-67).

Applicant also points out that Pasternak teaches a point-to-multipoint microwave ATM network, which is unrelated to the present invention. Further, Evans teaches a subscriber terminal frequency control system to reduce the frequency uncertainty of the transmissions from the subscribers to the base station, which is unrelated to the present invention.

In view of the comments above, Pasternak may not be used as a Sec. 102 reference to reject applicant's claims, and moreover, the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. 103 using the combined teachings of Pasternak and Evans.

**Conclusions:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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